

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

FILED

JUL 27 2020

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

IN RE APPLICATION OF THE)
UNITED STATES OF AMERICA FOR)
AN ORDER OF NON-DISCLOSURE)
OF GRAND JURY SUBPOENA)
NUMBER 2432 TO AT&T)
PURSUANT TO 18 U.S.C. § 2703(d))

1:20-mj-16

Filed Under Seal

SECOND APPLICATION OF THE UNITED STATES
FOR AN ORDER TO AT&T PURSUANT TO 18 U.S.C. § 2703(d)

The United States requests that the Court order AT&T not to notify any person (including the subscribers and customers of the account(s) listed in the subpoena of the existence of the attached subpoena) until further order of the Court.

AT&T is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computer service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached subpoena, which requires AT&T to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached subpoena relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. The nature of the case is sensitive and involves an investigation into allegations of major fraud related to the function and operation of United States District Courts in this district and potentially elsewhere. Accordingly, there is reason to believe that notification of the existence of the attached subpoena

will seriously jeopardize the investigation, including by giving the targets an opportunity to destroy or tamper with evidence that is crucial to a possible prosecution. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the existence of the subpoena, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing AT&T not to disclose the existence or content of the attached subpoena for 180 days, except that AT&T may disclose the attached subpoena to an attorney for AT&T for the purpose of receiving legal advice.

The United States further requests that the Court order that this second application, and any resulting order, be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Executed July 27, 2020.

Respectfully submitted,

J. DOUGLAS OVERBEY
UNITED STATES ATTORNEY

By:



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UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

AT&T

Attn: Global Legal Demands Center

To: 11760 U.S. Hwy 1, Suite 300

North Palm Beach, FL 33408

Fax: 888-93-4715

E-mail: glde@att.com

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave. +

Place: Joel W. Solomon Federal Building, United States Courthouse
900 Georgia Avenue
Chattanooga, TN 37402

Date and Time:

2/25/2020 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Please see Attachment A.

As a convenience to you, should you choose, you may comply with this subpoena by turning over the aforementioned records by Certified Mail to FBI SA Jeremy P. Allman, 1501 Dowell Springs Blvd., Knoxville, TN 37909, or via email at jpallman@fbi.gov. If you choose to deliver the records to SA Allman, your personal appearance before the Grand Jury will not be necessary and a proper return of the subpoena to the Grand Jury noting your compliance will be made. If further information is needed to comply with this subpoena, please contact SA Allman at (865) 602-6936.

YOU ARE NOT TO DISCLOSE THE EXISTENCE OF THIS REQUEST. ANY SUCH DISCLOSURE COULD IMPEDE THE INVESTIGATION BEING CONDUCTED AND THEREBY INTERFERE WITH ENFORCEMENT OF THE LAW.

Date: 01/27/2020



CLERK OF COURT

A handwritten signature in black ink, appearing to be "John M. ...".

A handwritten signature in black ink, appearing to be "Michael ...".

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Steven S. Neff A small handwritten signature in blue ink, appearing to be "SN".

Assistant United States Attorney

1110 Market Street, Suite 515

Chattanooga, TN 37402

423-752-5140

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Attachment

AT&T

**Attn: Global Legal Demands Center
11760 U.S. Highway 1, Suite 300
North Palm Beach, FL 33408
Facsimile: 888-938-4715
E-mail Address: gldc@att.com**

The Grand Jury Subpoena applies to the following records and information associated with the following IP Address: **107.77.236.48 at 14:48 on 11/22/2019, .**

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
3. Local and long distance telephone connection records;
4. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
5. Length of service (including start date) and types of service utilized;
6. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"));
7. Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports)); and
8. Means and source of payment for such service (including any credit card or bank account number) and billing records.

The Grand Jury Subpoena does not request, and you should not provide, contents of any communications involving the above-referenced account(s).